

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

FREDERICK BANKS, #05711-068

PLAINTIFF

VERSUS

CIVIL ACTION NO. 5:07-cv-117-DCB-MTP

CONSTANCE REESE

DEFENDANTS

ORDER

This cause is before the court sua sponte. Upon further review, it has come to the attention of the court that plaintiff Banks has on not less than three occasions, while incarcerated, brought a civil action or appeal under 28 U.S.C. § 1915 which has been dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted. Thus, for purposes of proceeding in forma pauperis pursuant to 28 U.S.C. § 1915, plaintiff Banks has three "strikes". Therefore, this court will reconsider, in a separate order, the order [8] granting plaintiff Banks in forma pauperis status.

Having reviewed the record, this court finds that summons was issued on November 1, 2007, on the Constance Reese. Because this court must address the plaintiff's in forma pauperis request, in light of the three "strikes", the defendant Constance Reese is directed not to file a responsive pleading or answer in this cause until further order of this court.

The clerk is directed to mail a copy of this order to Defendant **Constance Reese, Warden**, Federal Correctional Complex at Yazoo City, 2255 Haley Barbour Parkway, Yazoo City, Mississippi 39194; **Civil Process Clerk** at the office of the United States Attorney for the Southern District of Mississippi, 188 E. Capitol Street, One Jackson Place, Suite 500, Jackson, Mississippi 39201; and to the **Attorney General of the United States**, United States Department

of Justice, 950 Pennsylvania Avenue, Washington, DC 20530-0001.

THIS the 8th day of November, 2007.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE